



Crl.O.P.No.2939 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

**Crl.O.P.No.2939 of 2024**

Chandran

...Petitioner/Accused-1

Vs.

State represented by  
The Inspector of Police,  
Mohanur Police Station,  
Namakkal District.

(Crime No.29 of 2024)

...Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.29 of 2024 on the file of the respondent, on such terms and conditions.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.L.Baskaran  
Government Advocate (Crl. Side)



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### **ORDER**

The petitioner/A1 in Crime No.29 of 2024, registered by the respondent police for the offences under Sections 294(b), 506(ii) of IPC and Section 4 of TNPPDL Act, 1992, seeks bail. The petitioner had been remanded to judicial custody on 31.01.2024.

2.It is stated that there was a money transaction between the petitioner and the defacto complainant with respect to mortgage of a car which escalated into dispute.

3.It is the case of the prosecution that this petitioner, had burnt the seat of the car bearing Regn.No.TN-19-Q-1674. In the First Information Report, it had been stated that the damages are worth about Rs.10,000/-.

4.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:



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5. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate II, Namakkal, and on further conditions that: -

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

**[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.**

**[c] Additionally, the petitioner shall deposit a sum of Rs.20,000/- to the credit of Crime No.29 of 2024 before the Judicial Magistrate II, Namakkal and on such deposit, the learned Judicial Magistrate II, Namakkal, may hand over the said amount to the defacto complainant.**

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6.It is made clear that by this deposit it does not indicate that the petitioner has admitted to any of the allegations in the FIR as against him. It is also made clear that the burden still lies on the prosecution to prove the allegations beyond any reasonable doubt.

13.02.2024

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**C.V.KARTHIKEYAN. J.**

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To



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1.The Judicial Magistrate II, Nammakal.

2.Sub-jail, Namakkal.

3.The Inspector of Police,  
Mohanur Police Station,  
Namakkal District.

4.The Public Prosecutor,  
High Court of Madras.

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